

AVIATION

Safety

Agreement Between the UNITED STATES OF AMERICA and DENMARK

Signed at Copenhagen November 6, 1998



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

DENMARK

Aviation: Safety

*Agreement signed at Copenhagen November 6, 1998;
Entered into force November 6, 1998.*

**Agreement between the Government of the
Kingdom of Denmark and the Government of
the United States of America for Promotion of
Aviation Safety**

The Government of the Kingdom of Denmark and
the Government of the United States of America,
hereinafter referred to as the Contracting Parties,

Desiring to promote aviation safety and environ-
mental quality,

Noting common interests for the safe operation of
civil aircraft,

Recognizing the emerging trend toward multinati-
onal design, production, and interchange of civil
aeronautical products,

Desiring to enhance cooperation and increase effi-
ciency in matters relating to civil aviation safety,

Considering the possible reduction of the economic
burden imposed on the aviation industry and ope-
rators by redundant technical inspections, evaluati-
ons, and testing,

Recognizing the mutual benefit of improved proce-
dures for the reciprocal acceptance of airworthiness
approvals, environmental testing, and development
of reciprocal recognition procedures for approval
and monitoring of flight simulators, aircraft mainte-
nance facilities, maintenance personnel, airmen, and
flight operations,

Have agreed as follows:

Purposes

Article I

A. The Contracting Parties agree:

1. To facilitate acceptance by each Contracting Party of the other Contracting Party's (a) airworthiness approvals and environmental testing and approval of civil aeronautical products, and (b) qualification evaluations of flight simulators;

2. To facilitate acceptance by the Contracting Parties of the approvals and monitoring of maintenance facilities and alteration or modification facilities, maintenance personnel, airmen, aviation training establishments, and flight operations of the other Contracting Party,

3. To provide for cooperation in sustaining an equivalent level of safety and environmental objectives with respect to aviation safety.

B. Each Contracting Party shall designate its civil aviation authority as the executive agent to implement this Agreement. For the United States of America, the executive agent shall be the Federal Aviation Administration (FAA) of the Department of Transportation. For the Government of Denmark, the executive agent shall be Statens Luftfartsvæsen (SLV), i.e. The Danish Civil Aviation Administration.

Definitions*Article II*

For the purposes of this Agreement:

A. "Airworthiness approval" means a finding that the design or change to a design of a civil aeronautical product meets standards agreed between the Contracting Parties or that a product conforms to a design that has been found to meet those standards, and is in a condition for safe operation.

B. "Alterations or modifications" means making a change to the construction, configuration, performance, environmental characteristics, or operating limitations of the affected civil aeronautical product.

C. "Approval of flight operations" means the technical inspections and evaluations conducted by a Contracting Party, using standards agreed between the Contracting Parties, of an entity providing commercial air transportation of passengers or cargo, or the finding that the entity complies with those standards.

D. "Civil aeronautical product" means any civil aircraft, aircraft engine, or propeller or subassembly, appliance, material, part or component to be installed thereon.

E. "Environmental approval" means a finding that a civil aeronautical product complies with standards agreed between the Contracting Parties concerning noise and/or exhaust emissions. "Environmental testing" means a process by which a civil aeronauti-

cal product is evaluated for compliance with those standards, using procedures agreed between the Contracting Parties.

F. "Flight simulator qualification evaluations" means the process by which a flight simulator is assessed by comparison to the aircraft it simulates, in accordance with standards agreed between the Contracting Parties, or the finding that it complies with those standards.

G. "Maintenance" means the performance of inspection, overhaul, repair, preservation, and the replacement of parts, materials, appliances, or components of a civil aeronautical product to assure the continued airworthiness of that product, but excludes alterations or modifications.

H. "Monitoring" means the periodic surveillance by a Contracting Party's civil aviation authority to determine continuing compliance with the appropriate standards.

I. "Crew" means pilots, flight engineers, flight radio operators, flight navigators and flight attendants.

Scope

Article III

A. The Contracting Parties' civil aviation authorities shall conduct technical assessments and work cooperatively to develop an understanding of each other's standards and systems in the following areas:

1. Airworthiness approvals of civil aeronautical products;
2. Environmental approval and environmental testing;
3. Approval of maintenance facilities, maintenance personnel, and airmen;
4. Approval of flight operations;
5. Evaluation and qualification of flight simulators; and
6. Approval of aviation training establishments.

B. When the civil aviation authorities of the Contracting Parties agree that the standards, rules, practices, procedures, and systems of both Contracting Parties in one of the technical specialties listed in paragraph (A) of this Article are sufficiently equivalent or compatible to permit acceptance of findings of compliance made by one Contracting Party for the other Contracting Party to the agreed-upon standards, the civil aviation authorities shall execute written Implementation Procedures describing the methods by which such reciprocal acceptance shall be made with respect to that technical specialty.

C. The Implementation Procedures shall include at a minimum:

1. Definitions;
2. A description of the scope of the particular area of civil aviation to be addressed;
3. Provisions for reciprocal acceptance of civil aviation authority actions such as test witnessing, inspections, qualifications, approvals and certifications;
4. Accountability;
5. Provisions for mutual cooperation and technical assistance;
6. Provisions for periodic evaluations; and
7. Provisions for amendments to or termination of the Implementation Procedures.

Dispute settlement

Article IV

Any disagreement regarding the interpretation or application of this Agreement or its Implementation Procedures shall be resolved by consultation between the Contracting Parties or their civil aviation authorities, respectively.

Entry into force, termination, and amendment

Article V

This Agreement shall enter into force upon signature and shall remain in force until terminated by either Contracting Party. Such termination shall be effected by sixty days' written notification to the other Contracting Party. Such termination will also act to terminate all existing Implementation Proce-

dures executed in accordance with this Agreement. This Agreement may be amended by the written Agreement of the Contracting Parties. Individual Implementation Procedures may be terminated or amended by the civil aviation authorities in accordance with provisions developed pursuant to Article III, section C.7.

Other Agreements

Article VI

If, after entry into force of this Agreement, the provisions of another Agreement that address matters covered by this Agreement become applicable, the Contracting Parties shall consult to determine the extent to which this Agreement should be revised to take into account the other Agreement.

The 1982 Agreement

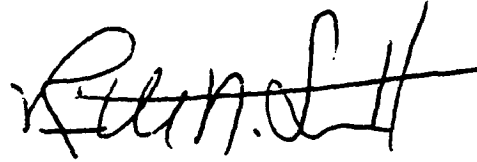
Article VII

The Agreement for reciprocal acceptance of airworthiness certifications, effected by exchange of notes at Washington, on January 6, 1982, shall remain in force until terminated by an exchange of notes following completion by the Contracting Parties' civil aviation authorities of the technical assessments and Implementation Procedures concerning airworthiness certification, as described in Article III. In the event of any inconsistency between the Agreement of January 6, 1982, and this present Agreement, the Contracting Parties shall consult.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done at Copenhagen on this the 6th day of November 1998, in duplicate, each in the English and Danish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED
STATES OF AMERICA:

A handwritten signature in dark ink, appearing to be "R. M. L.", written over a horizontal line.

FOR THE GOVERNMENT OF THE
KINGDOM OF DENMARK:

A handwritten signature in dark ink, appearing to be "L. M. L.", written over a horizontal line.

**Aftale mellem Kongeriget Danmarks regering
og Amerikas forenede Staters regering om
fremme af sikkerhed for luftfarten**

Regeringen for Kongeriget Danmark og regeringen
for Amerikas forenede Stater, i det følgende kaldet
de kontraherende Parter, har

i ønsket om at fremme sikkerheden for luftfarten og
kvaliteten for miljøet,

idet man har konstateret en fælles interesse i, at
civile luftfartøjer opereres på en sikker måde,

i erkendelse af den stigende tendens i retning af
multinational konstruktion, produktion og udveks-
ling af civile luftfartsprodukter,

i ønsket om at forstærke samarbejdet og øge effek-
tiviteten i sager vedrørende sikkerhed for den civile
luftfart,

under hensyntagen til muligheden for at reducere
den økonomiske byrde, der er pålagt luftfartsindu-
strien og operatører ved unødvendige tekniske in-
spektioner, vurderinger og afprøvninger,

i erkendelse af den fælles fordel ved forbedrede
procedurer for gensidig accept af luftdygtigheds-
godkendelser, miljømæssige afprøvninger og udvik-
ling af procedurer for gensidig anerkendelse af god-
kendelse af og kontrol med flysimulatorer, faciliteter
for vedligeholdelse af luftfartøjer, vedligeholdelses-
personel, luftfartspersonel og flyveoperationer,

indgået følgende Aftale:

Formål

Artikel I

A. De kontraherende Parter er enige om:

1. At lette hver af de kontraherende Parter accept af den anden kontraherende Parts (a) luftdygtighedsgodkendelser og miljømæssige afprøvninger og godkendelse af civile luftfartsprodukter og (b) kvalifikationsvurderinger af flysimulatorer;

2. At lette hver af de kontraherende Parter accept af den anden kontraherende Parts godkendelser af og kontrol med vedligeholdelses-, ændrings- eller modificationsfaciliteter, vedligeholdelsespersonel, luftfartspersonel, uddannelsesvirksomheder for luftfart og flyveoperationer;

3. At tilvejebringe samarbejde med henblik på at opretholde ensartet niveau for sikkerhed og for miljømæssige mål i relation til sikkerhed for luftfarten.

B. Hver af de kontraherende Parter udpeger deres civile luftfartsmyndighed som den udøvende myndighed til at implementere denne Aftale. For Amerikas forenede Stater er den udøvende myndighed Federal Aviation Administration (FAA) of the Department of Transportation. For Kongeriget Danmark er den udøvende myndighed Statens Luftfartsvæsen (SLV).

Definitioner

Artikel II

I denne Aftale betyder:

A. "Luftdygtighedsgodkendelse" en konstatering af, at konstruktionen eller ændringen af konstruktionen af et civilt luftfartsprodukt opfylder standarder, som de kontraherende Parter er blevet enige om, eller at et produkt er i overensstemmelse med en konstruktion, som opfylder disse standarder, og er i sikker operativ stand.

B. "Ændringer eller modifikationer" en ændring i konstruktionen, konfigurationen, ydeevnen, de miljømæssige karakteristika eller de operationelle begrænsninger af vedkommende civile luftfartsprodukt.

C. "Godkendelse af flyveoperationer" de tekniske inspektioner og vurderinger, der er udført af en kontraherende Part ved hjælp af de standarder, som de kontraherende Parter er blevet enige om, af en enhed, der udfører erhvervsmæssig lufttransport af passagerer eller fragt, eller konstatering af, at enheden opfylder disse standarder.

D. "Civilt luftfartsprodukt" ethvert civilt luftfartøj, enhver luftfartøjsmotor eller propel eller underenhed, apparatur, materiale, del eller komponent, der skal installeres derpå.

E. "Miljømæssig godkendelse" en konstatering af, at et civilt luftfartøjsprodukt er i overensstemmelse med de standarder, som de kontraherende Parter er blevet enige om, for så vidt angår støj og/eller emissioner. "Miljømæssig afprøvning" betyder en pro-

ces, ved hvilken et civilt luftfartøjsprodukt vurderes med hensyn til overensstemmelse med disse standarder ved anvendelse af procedurer, som de kontraherende Parter er blevet enige om.

F. "Kvalifikationsvurderinger af flysimulator" den proces, hvorved en flysimulator bedømmes ved sammenligning med det luftfartøj, den simulerer, i overensstemmelse med de standarder, som de kontraherende Parter er blevet enige om, eller konstateringen af, at simulatoren er i overensstemmelse med disse standarder.

G. "Vedligeholdelse" udførelse af inspektion, overhaling, reparation, foranstaltninger til bevarelse samt udskiftning af dele, materialer, apparaturer eller komponenter i et civilt luftfartsprodukt for at sikre produktets fortsatte luftdygtighed med undtagelse af ændringer og modifikationer.

H. "Kontrol" det periodiske tilsyn, som udføres af en kontraherende Parts civile luftfartsmyndighed for at konstatere, at gældende standarder fortsat overholdes.

I. "Besætning" piloter, flyvemaskinister, flyveradiooperatører, flyvenavigatører og kabinebesætningsmedlemmer.

Anvendelsesområde

Artikel III

A. De kontraherende Parters civile luftfartsmyndigheder skal udføre tekniske bedømmelser og skal samarbejde med henblik på at udvikle en forståelse af hinandens standarder og systemer på følgende områder:

1. Luftdygtighedsgodkendelser af civile luftfartsprodukter;
2. Miljømæssige godkendelser og miljømæssige afprøvninger;
3. Godkendelse af vedligeholdelsesfaciliteter, vedligeholdelsespersonel og luftfartspersonel;
4. Godkendelse af flyveoperationer;
5. Vurdering og kvalifikation af flysimulatorer;
og
6. Godkendelse af uddannelsesvirksomheder for luftfart.

B. Når de kontraherende Parters civile luftfartsmyndigheder er enige om, at begge kontraherende Parters standarder, regler, praksis, procedurer og systemer vedrørende ét af de tekniske specialområder, der er anført i paragraf (A) i denne artikel, svarer til hinanden i tilstrækkelig grad eller er tilstrækkeligt sammenlignelige, således at den ene kontraherende Parts konstatering af overensstemmelse i henhold til de standarder, man er blevet enige om, kan accepteres af den anden kontraherende Part, skal de civile luftfartsmyndigheder udfærdige skriftlige implementeringsprocedurer, der beskriver de metoder, hvorefter en sådan gensidig anerkendelse skal ske inden for vedkommende tekniske specialområde.

C. Implementeringsprocedurene skal mindst indeholde:

1. Definitioner,
2. En beskrivelse af det specielle område inden for den civile luftfart, de henvender sig til;
3. Bestemmelser for gensidig anerkendelse af den civile luftfartsmyndigheds aktioner, såsom overvågning af afprøvning, inspektioner, kvalifikationer, godkendelser og certificeringer;
4. Ansvar;
5. Bestemmelser vedrørende gensidigt samarbejde og teknisk assistance;
6. Bestemmelser for periodiske vurderinger; og
7. Bestemmelser med hensyn til ændringer til eller ophør af implementeringsprocedurene.

Afgørelse af uoverensstemmelser

Artikel IV

Enhver uoverensstemmelse vedrørende fortolkning eller anvendelse af denne Aftale eller dens implementeringsprocedurer skal løses ved samråd mellem de kontraherende Parter henholdsvis deres civile luftfartsmyndigheder.

Ikrafttræden, ophør og ændring

Artikel V

Denne Aftale træder i kraft ved undertegnelsen og forbliver i kraft, indtil den bringes til ophør af en af de kontraherende Parter. Et sådant ophør skal træde i kraft tres dage efter, at der er givet skriftlig varsel til den anden kontraherende Part. Et sådant ophør vil også bringe alle eksisterende implementerings-

procedurer, der er iværksat i henhold til denne Aftale, til ophør. Denne Aftale kan ændres efter skriftlig aftale mellem de kontraherende Parter. Individuelle implementeringsprocedurer kan bringes til ophør eller ændres af de civile luftfartsmyndigheder i overensstemmelse med bestemmelser, der er udarbejdet i henhold til Artikel III, stk. C.7.

Andre aftaler

Artikel VI

Hvis bestemmelser i en anden aftale, som vedrører emner, der er omfattet af denne Aftale, træder i kraft efter ikrafttrædelsen af denne Aftale, skal de kontraherende Parter rådføre sig med hinanden for at beslutte, i hvilket omfang denne Aftale skal ændres for at tage højde for den anden aftale.

Aftalen af 1982

Artikel VII

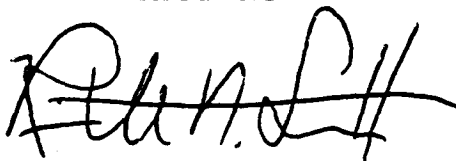
Aftalen om gensidig anerkendelse af luftdygtigheds-certificeringer, der trådte i kraft ved udveksling af noter i Washington den 6. januar 1982, forbliver i kraft, indtil den bringes til ophør gennem udveksling af noter, efter at de kontraherende Parter civile luftfartsmyndigheder har afsluttet de tekniske vurderinger og udarbejdet implementeringsprocedurerne vedrørende udstedelse af luftdygtighedsbeviser som beskrevet i Artikel III. I tilfælde af uoverensstemmelse mellem Aftalen af 6. januar 1982 og denne Aftale, skal de kontraherende Parter rådføre sig med hinanden.

Til bekræftelse heraf har undertegnede, der er
behørigt bemyndiget af deres respektive regeringer,
underskrevet denne Aftale.

Udfærdiget i København, den 6. november 1998 i
to eksemplarer, hver på engelsk og dansk, idet begge
tekster har samme gyldighed.

FOR AMERIKAS FORENEDE STATER

REGERING:

A handwritten signature in black ink, appearing to be "Robert M. L. H.", written in a cursive style.

FOR KONGERIGET DANMARKS

REGERING:

A handwritten signature in black ink, appearing to be "Poul N. L.", written in a cursive style.